

**NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT  
AND MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE  
RULES. See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24.**

**FILED BY CLERK**

**AUG 31 2009**

COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

THE STATE OF ARIZONA,	)	
	)	
Respondent,	)	2 CA-CR 2009-0136-PR
	)	DEPARTMENT A
v.	)	
	)	<u>MEMORANDUM DECISION</u>
ANTHONY TERRELL THOMPSON,	)	Not for Publication
	)	Rule 111, Rules of
Petitioner.	)	the Supreme Court
_____	)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20043616

Honorable Michael J. Cruikshank, Judge

REVIEW GRANTED; RELIEF DENIED

Barbara LaWall, Pima County Attorney  
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By Cedric Hopkins

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Attorneys for Petitioner

H O W A R D, Chief Judge.

¶1 In this petition for review, petitioner Anthony Thompson challenges the trial court's denial of a successive petition for post-conviction relief he filed pursuant to Rule 32,

Ariz. R. Crim. P. We will not disturb the trial court's ruling unless we find a manifest abuse of its discretion. *State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007).

¶2 In return for the dismissal of six other counts charging the same crime against two different victims, Thompson pled guilty in 2006 to one count of sexual conduct with a minor under the age of fifteen, a class two felony and dangerous crime against children. The trial court sentenced him to an enhanced, presumptive, twenty-year prison term.

¶3 In a previous, of-right petition for post-conviction relief, Thompson sought unsuccessfully to have his conviction vacated. He claimed his guilty plea had been induced by the state's failure to disclose impeaching information about the victim as required by *Brady v. Maryland*, 373 U.S. 83 (1963), and further claimed trial counsel had rendered ineffective assistance by failing to request or obtain the impeachment material, which Thompson characterized as "critical to his decision to enter the plea agreement." The trial court denied post-conviction relief, finding no basis for permitting Thompson to withdraw his plea and no support for his claim that trial counsel had been ineffective. On review, this court found no abuse of the trial court's discretion and likewise denied relief. *State v. Thompson*, No. 2 CA-CR 2007-0106-PR (memorandum decision filed Aug. 31, 2007).

¶4 Our mandate issued on October 30, 2007. On January 29, 2008, Thompson instituted the current proceeding by filing a second Rule 32 notice, which was followed in December by his second petition for post-conviction relief. In the petition, he again claimed his guilty plea had been involuntary, asserting he had "felt pressured into signing the plea agreement" and claiming the court had improperly "engage[d] in plea negotiations" with him at the change-of-plea hearing. In addition, Thompson contended the court had "promised"

him he would not serve twenty years in prison and had thus led him to believe he would not be sentenced to a presumptive, twenty-year term and to expect the court would impose a mitigated, thirteen-year term instead.

¶5 The trial court summarily dismissed Thompson’s second petition in April 2009, explaining its reasoning in a three-page minute entry. It ruled the current claims precluded because clearly Thompson could have raised them in his first post-conviction proceeding. *See* Ariz. R. Crim. P. 32.2(a). Although the court went on to discuss why it found no “manifest injustice” dictating that Thompson be allowed to withdraw his guilty plea pursuant to Rule 17.5, Ariz. R. Crim. P., it could have ended its analysis of Thompson’s contentions with its correct observation that these claims are now precluded.

¶6 Because the trial court has clearly articulated, properly analyzed, and correctly ruled on Thompson’s claims, its ruling needs no elaboration. *See State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993) (when trial court has correctly identified and ruled on issues raised “in a fashion that will allow any court in the future to understand the resolution[, n]o useful purpose would be served by this court[’s] rehashing the trial court’s correct ruling in a written decision”). Rather, we approve and adopt its minute entry. We grant Thompson’s petition for review but deny relief because the trial court did not abuse its discretion.

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JOSEPH W. HOWARD, Chief Judge

CONCURRING:

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PHILIP G. ESPINOSA, Presiding Judge

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JOHN PELANDER, Judge